



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Lu'ma Native BCH Housing Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET

Introduction

This hearing was convened as a result of the Landlord's Application for Dispute Resolution. The Landlord applied for an early end to the tenancy, pursuant to section 56 of the *Residential Tenancy Act* (the "Act").

The Landlord attended the hearing and provided testimony. The Tenant also attended the hearing and provided testimony. The Tenant confirmed receipt of the Landlord's Notice of Dispute Resolution Proceeding and evidence package, and confirmed she was able to view the evidence provided. The Tenant did not provide any documentary evidence.

The Landlord was provided the opportunity to present evidence orally and in written and documentary form, and to make submissions to me. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issue(s) to be Decided

- Does the Landlord have cause to end the tenancy early?

Background and Evidence

The Landlord stated that the Tenant has a long history of violence and aggression, which has impacted other occupants and the Landlord directly. More specifically, the Landlord stated that on September 14, 2021, the Tenant used bear spray on a guest at her door. This incident was caught on camera, and provided into evidence. The

Landlord also stated that on January 6, 2022, the Tenant chased another occupant of the building down the hall with a bat. The video was provided into evidence, showing the Tenant pursuing another individual down the hall, swinging a bat at him. The Landlord also stated that on January 22, 2022, an employee of the Landlord attended the Tenant's rental unit to assist with a drug overdose. The Landlord stated that it was one of the Tenant's guests who overdosed, and almost died. The Landlord stated that while one of their employees was administering the Naloxone the Tenant punched him in the head, numerous times. The Landlord also cited other incidents with the Tenant's dog, where it has bitten people.

The Tenant stated that she only chased the person down the hall with the bat out of self defense, and similarly, she only used bear spray on the person at her door because she was afraid. The Tenant also stated that there are issues with her rental unit, which she is unhappy with.

Analysis

An early end of tenancy is an expedited and unusual remedy under the Act and is only available to the landlord when the circumstances of a tenancy are such that it is unreasonable or unfair to a landlord or other residents to wait for a notice to end tenancy to take effect, such as a notice given under Section 47 of the Act for cause. Therefore, in this case the Landlord bears a strict burden to prove with sufficient evidence that the tenancy should end early Section 56 of the Act.

An application for an early end of tenancy under section 56 of the Act is reserved for situations where a Tenant poses an immediate and severe risk to the rental property, other occupants, or the Landlord. An application for an early end of tenancy is such that a Landlord does not have to follow the due process of ending a tenancy by issuing a notice to end tenancy which gives the Tenant the right to dispute the Notice by applying for dispute resolution.

Under section 56 of the Act, the director may end a tenancy and issue an order of possession only if satisfied, there is sufficient cause; and, it would be unreasonable, or unfair to the Landlord or other occupants of the residential property, to wait for a notice to end the tenancy under section 47 to take effect.

I have carefully considered the testimony and evidence. I note the Tenant stated she was acting in self defense when she deployed her bear spray on the person at her door, and also when she pulled a bat on another occupant in the building. However, I do not

find the video evidence provided is consistent with this characterization by the Tenant. I find it more likely than not that the Tenant's actions went well beyond self defence. I find her behaviour was aggressive, and dangerous. Further, the Tenant did not refute hitting the Landlord's employee in the head while he was attending a drug overdose in her rental unit. Overall, I find the Tenant's behaviour is significant and severe enough as to warrant an early end to the tenancy, pursuant to section 56 of the Act. I find the Tenant's physical aggression towards the Landlord and other occupants poses an immediate and severe risk to those occupants and the Landlord/property. As such, I find the Landlord is entitled to an order of possession.

As the Landlord's application was successful, and pursuant to section 72 of the Act I grant the landlord the recovery of the cost of the filing fee in the amount of **\$100.00**. I **authorize** the landlord to retain \$100.00 from the tenant's security deposit in full satisfaction of the recovery of the cost of the filing fee.

Conclusion

The Landlord has met the burden to prove the tenancy should end early.

The Landlord is granted an order of possession effective **two days after service** on the Tenant. This order must be served on the Tenant. If the Tenant fails to comply with this order the Landlord may file the order with the Supreme Court of British Columbia and be enforced as an order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: February 25, 2022

Residential Tenancy Branch